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TAGS: [SNAR](#) [PBTS](#) [PGOV](#) [ORP](#) [GT](#)  
SUBJECT: STAFFDEL TESS, GUATEMALA VISIT OCTOBER 12-14

REF: A. STATE 107293  
[1](#)B. GUATEMALA 1056

Classified By: Lance Hegerle for reasons 1.4(b,d)

[1](#)1. (C) Summary: Staffdel Tess visited Guatemala October 12 to 14 as part of a three-country fact finding tour of Central America. Delegation members held meetings with the members of the country team, civil society, and CICIG, as well as touring Guatemala's border with Mexico in the department of San Marcos. The various meetings provided input on the challenges as well as opportunities facing Guatemala and the region. The border visit illustrated the porous nature of Guatemala's frontier with Mexico and the scarce resources available to Guatemalan officials charged with controlling the border, and combating narcotics trafficking and smuggling in the region. The border tour also helped demonstrate some of the resource and capacity shortfalls that Plan Merida is projected to address. The trip underscored the negative impact that narcotics trafficking is having on Guatemala and the rest of the region, while at the same time providing insight on efforts the GOG is making to improve the rule of law in Guatemala. End Summary.

[1](#)2. (C) Staffdel Tess from the Senate Select Committee on Intelligence (SSCI) traveled to Guatemala October 12 to 14 as part of a three-country fact finding tour of Central America. The delegation was comprised of Caroline Tess Todd Rosenblum, and Alissa Starzak.

#### Meeting with Civil Society

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[1](#)3. (C) The delegation met with local representatives for the National Democratic Institute (NDI), Eduardo Nunes, and the International Republican Institute (IRI), Charles Littlefield to discuss those organizations' ongoing programs and get their views on civil society development in Guatemala. Both Nunes and Littlefield agreed that as a result of the peace process there had been substantial economic reform and increased individual freedom coupled with a smaller and weaker state structure. Nunes stressed that as a result, while the state had less ability to provide social services and security, citizens' expectations had increased. He added that one of the main weaknesses of the Guatemalan political system was the weakness and instability of political parties. He stated that since 1985 there had been 65 different political parties with 36 of them only lasting one election cycle. Nunes stated that President Alvaro Colom's administration had made more progress in the areas of social cohesion and rural development than in other areas such as security.

#### Meeting with CICIG

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[1](#)4. (C) The delegation met with the Deputy Director of the UN-led International Commission Against Impunity in Guatemala (CICIG), Amerigo Incalcaterra, to discuss CICIG's progress and gain Incalcaterra's opinion on the political situation in Guatemala. Incalcaterra explained that CICIG's dual goals

are to assist the Prosecutor's Office and to develop independent investigations. He added that another mission of CICIG was to report on the effectiveness of officials in the Attorney General's Office and other rule of law organs in order to identify prosecutors who lack the capacity or willingness to prosecute crimes. According to Incalcaterra, many of the current prosecutors are good, but some do not want to work with CICIG, and a few have actively worked against the organization. He stated that CICIG's priority has been to "clean the top of the pyramid" of the Attorney General's office in the hopes that by removing problematic senior prosecutors the rank and file prosecutors would feel more freedom to work with CICIG. He added that due to input from CICIG, the new Attorney General, Jose Amilcar Velazquez, had recently removed a number of top prosecutors, which has greatly improved cooperation between the two agencies (ref B). He also added that one month ago the Attorney General established a special prosecutors office to work directly with CICIG.

15. (C) Incalcaterra acknowledged that with one year of CICIG's two year mandate already gone and there were limits to how much CICIG could accomplish before its mandate expired. He stated that CICIG's goal was to present at least one major case of organized criminal penetration of the state, ready for prosecution, in order to demonstrate to GOG authorities that if they want to move forward they can. When pressed about the possibility of extending CICIG's mandate he stated that he was not focused on a renewal and that he felt CICIG would need to demonstrate progress before even considering requesting that donor countries provide additional funding. He stated that recently the Guatemalan Ambassador to the United Nations, Gert Rosenthal, informed him that as the law authorizing CICIG's operation in Guatemala did not outline the procedures for a mandate extension, Congress would have to approve any extension. Incalcaterra stated that obtaining Congressional approval for an extension of CICIG likely would be difficult. The question of CICIG's mandate aside, Incalcaterra was upbeat on CICIG's performance thus far. He stated that unlike other U.N. sponsored commissions that operated outside of the host country's systems, CICIG was unique in that it worked within the Guatemalan legal system to produce results, and he hoped that if CICIG succeeds it will become a model for future programs.

#### Visit to Border Region

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16. (C) The delegation traveled to Guatemala's San Marcos department which borders Chiapas, Mexico, to examine narcotics trafficking and cross border issues. Colonel Jaime David Funes, the 2nd Commander of Task Force West, and Ensign Lopez, the commander of the small navy detachment located in Ocos, briefed the delegation on military readiness and narcotics smuggling. Lopez stated that he had two small boats to patrol 125 miles of coastline, including four river mouths often used by smugglers. He added that he currently had 130 gallons of gasoline and at best he received 50 gallons every two months. He said that with his limited resources his unit is only able to patrol once a week, but that they had effectively deterred smuggling operations in and around Ocos. He stated that he was aware that the smugglers had simply moved farther south, adding that with 300 gallons of gasoline per month he believed he could suppress smuggling in his entire area of operation. Lopez added that his main concern was narcotics and human smuggling, but that he also targeted contraband smuggling as well. He related to the delegation that he had recently intercepted two boats smuggling contraband fuel from Mexico, but that after two days the police had returned the boats and contraband fuel to the boats' owner.

17. (C) Funes stressed that there were at least 72 known illegal border crossings across the river separating San Marcos from Chiapas, and that he had only two vehicles and 70 men available to control the border. He added that the rest

of his task force, some 370 men, were located in the mountainous interior of San Marcos department engaged in poppy eradication and other operations. He stressed that the local police were corrupt and that his forces lacked sufficient resources to effectively control the border. After the briefing Funes accompanied the delegation to an illegal border crossing point where several rafts were slowly taking immigrants to Mexico and bringing contraband goods back to Guatemala. The smugglers seem unconcerned by the presence of the Guatemalan Military, several offered to carry the delegation across the river for \$1 per person.

18. (C) The delegation visited the official pedestrian border crossing at Tecun Uman and received a briefing by the local head of Immigration, Miguel Cantoral. Cantoral explained the procedures for legally crossing the border and related that most people did cross the border legally. He stated that even though local residents could legally cross the border, many would pay raft operators to bring them across the river to save time. Cantoral acknowledged that those without papers usually crossed the shallow river dividing the two countries in pontoon rafts, claiming that Mexican officials intercepted hundreds of undocumented immigrants weekly in Chiapas. Cantoral provided a tour of his office and walked QChiapas. Cantoral provided a tour of his office and walked the delegation across the bridge to the Mexican side of the river. Along the way he pointed out a large hole in the fence which allowed those without documents access to the bridge, and a nearby house flying Mexican and Guatemalan flags that he attested belonged to local narcotics traffickers. Cantoral openly discussed the smuggler rafts crossing the river in plain view from the bridge, stating that even if authorities cracked down on the practice the only result would be that the rafts would move upriver. Cantoral's staff diligently process all travelers who choose to cross the border at their checkpoint, but have no ability to control illegal crossings.

19. (C) Comment: The visit to Guatemala's border with Mexico served to demonstrate the difficulties facing border officials, the limited resources they have available to accomplish their missions, and in some cases, authorities' lack of will. The delegation's meetings indicated that assistance programs and security reforms contemplated under the Merida Initiative would help strengthen Guatemala's ability to reduce transnational crime in the border area.

10. (U) This cable was cleared by Staffdel Tess.  
McFarland